

### Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

### Listing of Claims:

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1.(withdrawn) An insole having a rearfoot region and a forefoot region, and bounded by a periphery having a medial edge, a lateral edge, a rearward edge, and a forward edge, said insole comprising

a first portion positioned at said rearfoot region of said insole; and

a second portion positioned at said forefoot region of said insole,

wherein said second portion is more flexible than said first portion.

A 1 2.(withdrawn) The insole according to claim 1, wherein a forwardmost edge of said first portion and a rearwardmost edge of said second portion are skived in an abutting region between said first portion and said second portion, such that said skived edges of said first portion and said second portion overlap and said first abutting region.

3.(withdrawn) The insole according to claim 1, further comprising a third portion having a shape corresponding substantially to the shape of said first portion and positioned in contact with a surface of said first portion.

4.(withdrawn) The insole according to claim 1, further comprising a footbed positioned on an upper surface of each of said first portion and said second portion.

5.(currently amended) An insole bounded by a periphery having a medial edge, a lateral edge, a rearward edge, and a forward edge and corresponding substantially to a plantar surface of a human foot, said insole having a rearfoot region, a forefoot region, and a toe region and comprising:

a base strip having a first portion positioned at said rearfoot region of said insole and a second portion positioned at said forefoot region of said insole; and

a toe piece positioned at said toe region of said insole,

wherein said second portion of said base strip is more flexible than said first portion of said base strip, the base strip and toe piece forming a single uniform thickness layer and forming

the bottom surface of the insole.

6.(original) The insole according to claim 5 wherein a forwardmost edge of said first portion and a rearwardmost edge of said second portion are skived in a first abutting region, and a rearwardmost edge of said toe piece and a forwardmost edge of said second portion are skived in a second abutting region, such that said skived edges of said first portion and said second portion overlap in said first abutting region and said skived edges of said second portion and said toe piece overlap in said second abutting region.

7.(currently amended) The insole according to claim 5, further comprising a third portion having a shape corresponding substantially to the shape of said first portion and positioned in contact with said first portion, wherein said third portion, said second portion and said toe piece form ~~a lower~~ the bottom surface of said insole.

8.(currently amended) An insole bounded by a periphery having a medial edge, a lateral edge, a rearward edge, and a forward edge and corresponding substantially to a plantar surface of the human foot, said insole having a rearfoot region, a forefoot region, and a toe region and comprises:

a base strip having a first portion that can be positioned at said rearfoot region of said insole and a second portion that can be positioned at said forefoot region of said insole;

a toe piece that can be positioned at said toe region of said insole; and

a footbed positioned on each of said base strip and said toe piece,

wherein said second portion of said base strip is more flexible than said first portion of said base strip, the base strip and toe piece forming a single uniform thickness layer and forming the bottom surface of the insole.

9.(original) The insole according to claim 8 wherein a forwardmost edge of said first portion and a rearwardmost edge of said second portion are skived in a first abutting region, and a rearwardmost edge of said toe piece and a forwardmost edge of said second portion are skived in a second abutting region, such that said skived edges of said first portion and said second portion overlap in said first abutting region and said skived edges of said second portion and said toe piece overlap in said second abutting region.

A 10.(currently amended) The insole according to claim 8 further comprising a third portion having a shape corresponding substantially to the shape of said first portion and positioned in contact with said first portion, wherein said third portion, said second portion and said toe piece form ~~part of a lower~~ the bottom surface of said insole.

11.(original) The insole according to claim 8, wherein said footbed includes an

intermediate portion and a surface portion.

12.(original) The insole according to claim 11 wherein said surface portion is formed of a textile lining.

13.(original) The insole according to claim 11 wherein said intermediate portion is formed of a foam material.

14.(currently amended) A footwear comprising:

a sole;

a footwear upper portion attached to said sole to form a foot receiving member capable of retaining a human foot;

and an insole positioned on an inner surface of said sole and having a rearfoot region and a forefoot region, and bounded by a periphery having a medial edge, a lateral edge, a rearward edge, and a forward edge, said insole comprising:

a base strip having a first portion positioned at said rearfoot region of said insole and a second portion positioned at said forefoot region of said insole, said second portion being more flexible than said first portion, the base strip forming a single uniform thickness layer and forming the bottom surface of the insole in contact with the inner surface of said sole.

15.(original) The footwear according to claim 14 wherein holding members affix said insole to said inner surface of said sole at a shank portion of said footwear.

16.(original) The footwear according to claim 14 wherein said insole further comprises a third portion having a shape corresponding substantially to a shape of said first portion and positioned to be in contact with a lower surface of said first portion and said inner surface of said sole.

17.(original) The footwear according to claim 14 wherein said insole further comprises a footbed positioned on upper surface of said base strip.

A/ 18.(currently amended) The footwear according to claim 14 wherein said insole further comprises a toe piece extending from a forwardmost edge of said second portion to said forward edge of said insole and bounded by said medial edge and said lateral edge of said insole, said base strip and toe piece forming said single uniform thickness layer and forming the bottom surface of the insole in contact with the inner surface of said sole.

19.(original) The footwear according to claim 18 wherein said insole further comprises a footbed positioned on an upper surface of said base strip and said toe piece.

20.(currently amended)      An insole comprising:

a base strip provided in a rearfoot region of said insole and a forefoot region of said insole, said base strip for controlling flexibility in said rearfoot region and said forefoot region of said insole, said base strip forming a single uniform thickness layer forming the bottom surface of the insole.

21.(original)    An insole according to claim 20 wherein said strip comprises a first portion provided in said rearfoot region of said insole and a second portion provided in said forefoot region of said insole.

22.(currently amended)      An insole comprising:

a footbed having a rearfoot region, a forefoot region, and a toe region and bounded by a periphery having a medial edge, a lateral edge, a rearward edge, and a forward edge; and

a strip underlaying at least a portion of said footbed, said strip for controlling flexibility and said rearfoot region, said forefoot region, and said toe region of said insole, said strip forming a single uniform thickness layer and forming the bottom surface of the insole.

23.(original)    An insole according to claim 22 wherein said strip comprises a toe piece underlaying said toe region of said footbed.

24.(original)    An insole according to claim 22 wherein said strip comprises a base strip underlaying said rearfoot region and said forefoot region of said footbed.

25.(original)    An insole according to claim 24 wherein said base strip comprises a first portion provided in said rearfoot region of said footbed and a second portion provided in said forefoot region of said insole.

26.(original)    An insole according to claim 25 wherein said strip further comprises a tuck portion underlaying said first portion.

27.(new)      An insole bounded by a periphery having a medial edge, a lateral edge, a rearward edge, and a forward edge and corresponding substantially to a plantar surface of the human foot, said insole having a rearfoot region, a forefoot region, and a toe region and comprises:

*A* a base strip having a first portion that can be positioned at said rearfoot region of said insole and a second portion that can be positioned at said forefoot region of said insole, the second portion having a flexing index average value that meets or exceeds 2.7 according to SATRA TM3 1999, and a thickness in the range of 0.010 to 0.100 inches, while the first portion has a density in the range of about 0.0200(lb/in) to 0.0400(lb/in) and a nail hold value in the

range of 68-107 lbs;

a toe piece that can be positioned at said toe region of said insole; and

a footbed positioned on each of said base strip and said toe piece,

wherein said second portion of said base strip is more flexible than said first portion of said base strip.

28.(new) An insole according to claim 26 wherein the footbed includes a surface portion formed of a leather or textile lining, and an intermediate portion formed of a soft and flexible foam material with a density in the range of about 8 lb/cubic ft to 16 lb/cubic ft according to the ASTM 3574 test method and a compression set percentage that is less than about 10 percent according to ASTM 1667 at 73 degrees F.

29.(new) An insole according to claim 26 wherein the first portion has a flexural strength in the range of about 4.5 psi to 6.4 psi.

30.(new) The insole according to claim 26 further comprising a third portion having a shape corresponding substantially to the shape of said first portion and positioned in contact with said first portion, wherein said third portion, said second portion and said toe piece form part of a lower surface of said insole.

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